

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SDR-13904 - APPLICANT: DON AHERN -
OWNER: DFA, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 15, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (5-1/sd vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13896), Variance (VAR-13900), Special Use Permit (SUP-13902), and Special Use Permit (SUP-13903) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, date stamped 09/19/06, and building elevations, date stamped 05/30/06, except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a zero-foot landscape buffer on the south property line and a five-foot minimum buffer width along the other property lines where 15 feet is the minimum required.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
12. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
13. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. There shall be no off-premise signage on the portion of the building adjacent to U.S. 95 (south elevation) without proper approval from the City of Las Vegas.
15. On-site off-premise advertising (billboard) signs shall be removed prior to the issuance of building permits.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
17. The approval shall be for a maximum of 18 stories and 248 feet in height. The revised elevations shall be submitted to the Planning and Development staff within 10 days of Planning Commission action.

Public Works

18. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. All driveways accessing Bonanza Road shall also receive approval from the Nevada Department of Transportation.
19. Coordinate all improvements along Martin L. King Boulevard with the City Engineer to determine appropriate improvements required in conjunction with the Martin Luther King Boulevard widening project. Alternatively, if allowed by the City Engineer, this site may participate in the Martin Luther King Boulevard public improvement project.
20. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
22. Site development to comply with all applicable conditions of approval for ZON-13896 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a commercial development consisting of a 3,000 square foot, a 1,500 square foot, and a 4,500 square foot retail pad; a 18 story building consisting of 3,700 square feet of restaurant space, 10,000 square feet of retail space, 150,000 square feet of office space, and a 4,500 square foot child care facility; and a Waiver of the perimeter landscaping requirements on 2.61 acres on the southwest corner of Bonanza Road and Martin L. King Boulevard.

EXECUTIVE SUMMARY

The subject proposal for a 18-story, 246-foot office and retail pad development is appropriate for the area in which it is located. While several of the development standards from Title 19 are not met, there are sufficient justifications for reducing setbacks and landscaping given the physical constraints of the site. Specifically, this includes dedication of 10 feet along both Bonanza Road and Martin L. King Boulevard. Staff supports the proposed office building and the associated retail pads.

BACKGROUND INFORMATION

A) Related Actions

- 10/05/06 The Planning Commission recommended approval of companion items ZON-13896, VAR-13900 and SUP-13903 and denial of SUP-13902 concurrently with this application
- 10/05/06 The Planning Commission voted 5-1/sd to recommend DENIAL (PC Agenda Item #14/ng).

B) Pre-Application Meeting

- 05/15/06 A pre-application meeting with the applicant was held and the following items were discussed:
- Staff informed the applicant of the submittal requirements for the required applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.61

B) Existing Land Use

Subject Property: Parking
North: Mini-Mart
South: U.S. 95
East: Sears Service Center
West: Rental Shop; Warehouse

C) Planned Land Use

Subject Property: Commercial (Downtown Redevelopment Plan)
North: SC (Service Commercial); M (Medium Density Residential)
South: U.S. 95 ROW
East: LI/R (Light Industry/Research)
West: LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property: R-E (Residence Estates); C-2 (General Commercial)
North: C-1 (Limited Commercial); R-E (Residence Estates)
South: U.S. 95 ROW
East: M (Industrial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property has a land use designation of Commercial based on the Downtown Redevelopment Plan. If the proposed rezoning to C-2 (General Commercial) is approved, the zoning and the land use designation will be compatible as they both allow for intense commercial (office, retail, etc.) development.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Redevelopment Plan Area	X	
West Las Vegas	X	
Special Overlay District	X	
Airport Overlay District	X	
Trails	X	
Pioneer	X	
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Redevelopment Plan Area

No additional development standards are placed on the project as a result of its inclusion in the Redevelopment Plan. Rather, this designation simply targets the property for increased development efforts and improves access to assistance in redevelopment.

West Las Vegas

The subject property is located on the edge of the West Las Vegas plan area. This plan focuses mostly on the revitalization of residential areas in the heart of Las Vegas, but its objectives also emphasize the importance of re-investing in deteriorating commercial centers and creating an interesting urban environment. Increasing density and the mixing of uses is also a focus of the plan.

Airport Overlay District

The subject property is located within the North Las Vegas Airport Overlay District which restricts the height of buildings to 140 feet. The proposed development, at 246 feet, exceeds this height. However, a Special Use Permit (SUP-13903) has been submitted to allow relief from this requirement.

Pioneer Trail

The Pioneer Trail is an existing trail that runs along West Bonanza Road at the northern edge of the property. No additional requirements will be placed on the applicant as a result of this trail.

PROJECT DESCRIPTION

The site plan depicts the three proposed retail pads (3,000 square feet, 1,500 square feet, and 4,500 square feet respectively) and the proposed 18-story office building containing retail, office, restaurant, and child care space. The site has access from Martin L. King Boulevard and Bonanza Road, and parking is on the interior of the site and inside the main office building. The retail pads are oriented along the street frontages and the office building is situated 11 inches from the property line adjacent to the U.S. 95 right-of-way. The site plan shows that the proposed restaurant will have limited outdoor seating for patrons.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	244 Feet, 1 Inch	Y
Min. Setbacks			
• Front	20 Feet	10 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	10 Feet	N
• Rear	20 Feet	11 Inches	N
Max. Lot Coverage	50%	39.2%	Y
Max. Building Height	140 Feet	246 Feet / 18 Stories	N
Trash Enclosure	Gated, Roofed, Constructed of a similar material to the main dwelling	Trellis Covered	Y

The subject proposal does not meet all applicable development standards. A Variance has been submitted for relief from the front, corner side, and rear yard setbacks, and a Special Use Permit has been submitted to allow for a 246-foot building in the North Las Vegas Airport Overlay District. Staff supports the setback variance as the front and corner side distance is the result of the 10-foot dedication to the respective right-of-ways to which they are adjacent. The rear setback is along U.S. 95 and will not negatively affect surrounding properties. These standards are discussed in more detail in the related Variance and Special Use Permit reports.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	150,000 SF	1 Space / 300 SF GFA	500			
Retail	19,000 SF	1 Space / 175 SF	109			
Restaurant	1,000 SF	1 Space / 50 SF Public Seating	20			
	2,700 SF	1 Space / 200 SF Remaining	14			

Child Care Center	N/A	1 Space / Staff Person 1 Space / 10 Children	15			
TOTAL			658 (including handicap accessible)	14	662 (including handicap accessible)	15

The subject proposal will contain adequate parking to provide for the facilities and uses proposed. Of the total number of spaces, 83 (11%) are compact spaces, 15 are handicap accessible, and two are van accessible spaces. Eighty-one of the spaces are contained at ground level and exterior to the buildings. The remainder of the spaces is contained in a parking structure within the office building.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Space	12 Trees	0 Trees
Buffer:			
• Min. Trees	1 Tree / 30 Linear Feet	41 Trees	51 Trees
• Min. Zone Width	15 Feet		0 Feet

The subject proposal does not meet current Title 19 standards for landscaping in several areas. First, there is no parking area landscaping provided where 12 trees are required. Second, the buffer widths along each property line are not wide enough. Staff can support this Waiver request as the setbacks were reduced due to right-of-way dedication. Additionally, Staff does not find it necessary to provide landscaping along the U.S. 95 right-of-way.

B) General Analysis and Discussion

- Zoning**

With approval of the rezoning request to C-2 (General Commercial), the subject proposal complies with the intent of the zone in which it is located. Specifically, the C-2 zone allows for retail, office, and other general business uses of an intense character. These zones are appropriate along commercial corridors such as the one in which this site is located. While it does not meet all of the development standards applicable to projects in the C-2 zone, there are hardships that were not created by the applicant that have caused the need for the variances requested.

- Site Plan

The site plan depicts the three retail pads described above along with the 246-foot tall office building located on the southern portion of the site.

- Waivers

The applicant is requesting a waiver of the perimeter landscaping requirement to allow a reduction in parking lot landscaping and of the buffer width.

- Landscape Plan

The landscape plan depicts a more than adequate number of trees along the perimeter and significant foundation landscaping. However, the buffer widths along all property lines are too narrow and require a waiver as requested. Staff supports the waiver as the reduction in buffer width is a result of right-of-way dedications and an attempt to bring the proposed retail pads out to the street to create a more urban environment.

- Elevation

The elevations depict an 18-story high-rise office tower. The parking deck will be located on the first nine floors. It should be noted that the south elevation (along U.S. 95) depicts signage on the parking garage. A condition has been added requiring that this signage be for on-premise advertising only. Off-premise advertising signs will require separate approval. Materials used include metal shading, stone veneer, and aluminum storefront. No stepbacks are provided. Per Title 19.08.030C, buildings that are adjacent to freeways are not required to step back the height above 35 feet as is required elsewhere.

- Floor Plan

The first floor contains the restaurant and retail space, along with ramps leading to the parking garage. Said garage encompasses the second through the seventh floors, with the eighth including parking and a child care facility. The ninth through the seventeenth floors contain open office plans containing approximately 13,197 square feet each. The eighteenth and nineteenth floor plans are also open office design containing approximately 13,195 square feet. The twentieth floor is of similar design but contains approximately 11,210 square feet. The elevators and bathroom facilities are located along the northern portion of the building.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is compatible with adjacent development as much of the area is targeted for commercial development based on the Redevelopment Plan.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposal does not meet several specific standards per the plans mentioned above. However, circumstances specific to the site render some of these standards insignificant with regard to development.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site is served by West Bonanza Road (a 100-foot primary arterial) and North Martin L. King Boulevard (a 100-foot primary arterial). These roadways are capable of accommodating the proposed facility and use.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

While landscaping is not provided in the amount required by Title 19, the proposal is appropriate for the area in which it will be located.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposal is harmonious with the type of development intended for the subject area. Its location adjacent to a freeway negates the lack of stepbacks provided above 35 feet in height. Additionally, the applicant has made every effort to bring buildings out to the street to create an interesting streetscape.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

This project will not endanger the public health, safety, or general welfare.

PLANNING COMMISSION ACTION

Condition #1 must be modified to delete reference to SUP-13902 if denied.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 104 by Planning Department

APPROVALS 1

PROTESTS 1